

UNITED STATES DISTRICT
SOUTHERN COURT OF NEW YORK
STATE

Michael Lee #3492001663 et. al v.C.B.C.
PLAINTIFF(S) et. al.

- against -

Department of Corrections
Commissioner Cynthia Brancet et. al
Defendant(s) et. al.

RECEIVED
OCT - 7 2020
L
PRO SE OFFICE

U.S.C.A § 1983
CLASS ACTION
COMPLAINT

complaint # 20 cv 9483

#

DO YOU ALL WANT A JURY
TRIAL YES NO

NOTICE

The public can access electronic court files. For
privacy and security reasons, papers filed with the
court should therefore not contain an individual's full
social security numbers or full birth date. A filing
A filing may include only: the last four digits of a
social security number, the year of an individual's
birth and last four digits of a financial account number.

See FEDERAL RULE OF CIVIL PROCEDURE 5.2

(1)

I. LEGAL BASIS FOR CLAIM

State below the federal legal basis for your claim, if known. This form is designed primarily for prisoners challenging the constitutionality of their conditions of confinement; those claims are often brought under 42 U.S.C. § 1983 (against state, county, or municipal defendants) or in a "Bivens" action (against federal defendants).

Violation of my federal constitutional rights

Other: 8th Constitutional Amendment Violation: Cruel and Unusual Punishment

II. PLAINTIFF INFORMATION

Each plaintiff must provide the following information. Attach additional pages if necessary.

Michael

J.

Lee (See: N. FACTS Herein, i.e. Plaintiffs)

First Name

Middle Initial

Last Name

State any other names (or different forms of your name) you have ever used, including any name you have used in previously filing a lawsuit.

3492001663

Prisoner ID # (if you have previously been in another agency's custody, please specify each agency and the ID number (such as your DIN or NYSID) under which you were held)

Vernon C Baine Center

Current Place of Detention

1 Halleck St. 2BA

Institutional Address

Bronx

New York

10474

County, City

State

Zip Code

III. PRISONER STATUS

Indicate below whether you are a prisoner or other confined person:

Pretrial detainee

Civilly committed detainee

Immigration detainee

Convicted and sentenced prisoner

Other: Parole Hold's or detainee

IV. DEFENDANT INFORMATION

To the best of your ability, provide the following information for each defendant. If the correct information is not provided, it could delay or prevent service of the complaint on the defendant. Make sure that the defendants listed below are identical to those listed in the caption. Attach additional pages as necessary.

Defendant 1:

<u>Cynthia</u>	<u>Brann</u>	
First Name	Last Name	Shield #
<u>New York Department of Corrections Commissioner</u>		
Current Job Title (or other identifying information)		

Current Work Address

<u>County, City</u>	<u>State</u>	<u>Zip Code</u>
<u>Potsy</u>	<u>NY</u>	
First Name	Last Name	Shield #

Defendant 2:

<u>Health Director Commissioner</u>		
Current Job Title (or other identifying information)		

Current Work Address

<u>County, City</u>	<u>State</u>	<u>Zip Code</u>
<u>Mary</u>	<u>NY</u>	
First Name	Last Name	Shield #

Defendant 3:

<u>Board of Correction Executive Director</u>		
Current Job Title (or other identifying information)		

Current Work Address

<u>County, City</u>	<u>State</u>	<u>Zip Code</u>
<u>Mary</u>	<u>NY</u>	
First Name	Last Name	Shield #

Defendant 4:

Current Job Title (or other identifying information)

Current Work Address

<u>County, City</u>	<u>State</u>	<u>Zip Code</u>
<u>Mary</u>	<u>NY</u>	

V. STATEMENT OF CLAIM

Place(s) of occurrence: Vernon C Baine Detention CenterDate(s) of occurrence: September, 2020, 23rd.

FACTS:

State here briefly the FACTS that support your case. Describe what happened, how you were harmed, and how each defendant was personally involved in the alleged wrongful actions. Attach additional pages as necessary.

Plaintiff(s) listed below are "all" Being Constitutionally
 Violated by cruel and Unusual punishment 8th Amendment...Prison officials MAY NOT subject or force Inmates,
 pretrial detainee's et.al. to Harsh, dangerous and or improper
 living Conditions... As a Group or Class bring identical
 U.S.C.A § 1983 CLASS ACTION COMPLAINT.

Michael Lee #3492001663	Walter Ware #441803480
Sonny Squire #4102000039	Shamar Callaway #4412001754
Johnathan Martinez #34920001577	Keemal Cross #1411710237
Curtis Clark #1412002253	Deryck Brown #2411800501
Christopher Dejesus #1412002246	Hakiem Barrow #
Dewayne Boone #4412001752	Devon Parker # 9002000003
Frank Pagan #3492001603	Theodore Tucker #3492001370
Johnathan Stevens #1412002119	James Jackson #1411904148
Paul Reed #1412001725	Ricardo Gilcabrerat #1412001522
Josiah Pringle #1412001750	Emmanuel Rosario #349200164
Carlos Bradley #3102000187	Manuel Velasquez #3492001339
Hopeton Prendergast #4411905343	Willet Davidson #3491965326
Willie Smith # 8951966921	Darius Batts #3491904664
Raymond Salgado #1412001188	James Clark #1411709283
Timothy Ward #2412001588	Cyril Sheppard #3492000201
Andre Fonseca #1412002023	Hakiem Barrow # 8752000054

V. STATEMENT OF FACTS:

Micta Michael #4412000457

Anore Boyd #441401712
continued:

Carl	Henley #2411800815	Luis Molina #3001900157
	Branding #3491907402	Lester Pearson #3002000233

Justin manail #4411807062	Gill Graves #3002000211
---------------------------	-------------------------

Noel Fernandez #4411904753	Timothy Linares #5412006200
----------------------------	-----------------------------

Plaintiff's herein brought this matter to the Defendants attention (see Exhibit A herein) On September 25th,

2020... That the Defendants... DELIBERATELY forced

Plaintiffs into an unsafe, harsh living Conditions after

Defendant's acknowledged FACTS "On September 23rd,

2020 on PIX 11 Morning News", That either they lied

and make a Contrary Statement stating "They already have

15 Inmates per Unit or Dormitories; or they acknowledge

that there's suppose to be ONLY 15 people on an Inside

gathering. Contrary to this Plaintiffs are in Housing units

2-3 times that amount or even up to Max Capacity 50

Inmates in less than 3-4 inches apart in sleeping areas.

All 50 Inmates share Toilets, sinks, and showers. Deeming this

during COVID-19 virus epidemic Improper and unconstitutional

to Not just a Dangerous Virus but a Deadly Virus as aforementioned Defendants obviously acknowledge. To detain Plaintiffs during COVID-19 epidemic is E...Cruel and unusual punishment... It's as saying as Detainees etc. al. are

not either vulnerable to Contracting this Deadly virus and

or were not human enough to be given same treatment

or afforded the same life saving opportunities, by "SOCIAL

DISTANCE", Mandates by N.Y.C Bill De Blasio, or Governor Andrew

Cuomo. The Reckless Disregards for human lives as Detainees

is present without Relief going into and wave. God save our souls.

V. STATEMENT OF FACTS: (Continued from pg. 5):

Additional Plaintiff ADD ONS: 2BB Housing unit

Frank Crawley # 2412001232

Mathew Karelfsky # 1411903366

Rampersaud Persaud # 4411904165

Christopher Johnson # 3492002320

Morris Tate # 2412001025

Eon Struthers # 5102000007

Jonstion Weaver # 1412001833

The ONLY Difference between 2BA Plaintiffs and 2BB Plaintiffs herein is ONLY the number of people in 2BB is between 40-50 max capacity. But the "V. STATEMENT of FACTS" are identical herein.

VI. INJURED:

The Inmates and or detainee's listed in this Section "INJURIES", have Contracted or been exposed to this DEADLY virus while in care and or Custody of the Defendants listed herein, which were Isolated and treated for COVID-19 these Injured INMATE'S; and or DETAINEE'S Are:

Hopeton prendergast #4411905343; Devorn Parker #9002000003

(See Exhibit B herein)

VII RELIEFS:

To have the Plaintiff(s) herein RIGHTS to be able to have Constitutional proper, Safe living Condition's, During the COVID-19 virus epidemic; as 'New' Revised stipulations of approx 12ft distance between each person by CDC/Center for Disease Control; Reducing the CURRENT numbers 45-50 people down to the Number of 15 people or LESS on an inside gathering. That's Defendants; Mayor Bill DeBlasio; and N.Y. Governor Andrew Cuomo State and OUTLINED for D.O.C.C.S Inmates; Detainees; and parole Violators that the following "Would be", released; R.O.R.; and Reinstated etc. for Parolees. The First to be Released etc. see Supra. are:

- 1). Parolee's
- 2). Those 50 and or 60 years or older
- 3). Those with underlying Health Condition's that make them Vulnerable to the virus
- 4). Those with non-violent charge(s); EXCEPT those who have violent charges with underlying health conditions that make the vulnerable to the virus which District Attorney office would HAVE to CONSIDER weather its in the best of Interest of Justice to Release; DISMISS; R.O.R detainee or not. Moreso

The Deliberate Action's by the Defendant(s) to place the Plaintiff(s) herein in harm's way that could or can cause DEATH from this DEADLY COVID-19 virus which is cruel and unusual punishment which violates the Plaintiff(s)

VII. RELIEFS

Continued:

Constitutional 8th AMENDMENT Right Therefore EACH Plaintiff Herein should Receive \$150,000.00 dollars apiece from the Defendants; NEXF,

The Plaintiff(s) who got Infected with this DEADLY COVID-19 Virus (See VI. INJURIES herein) from Defendants NEGLIGENCE is also an additional 8th Amendment violation(s) of Cruel and unusual punishment and a Direct result of Defendant(s) Deliberate/ NEGLIGENCE there these particular Plaintiff(s) should Receive an additional Sum of \$150,000.00 dollars from Defendants.

VII. PLAINTIFF'S CERTIFICATION AND WARNINGS

By signing below, I certify to the best of my knowledge, information, and belief that: (1) the complaint is not being presented for an improper purpose (such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation); (2) the claims are supported by existing law or by a nonfrivolous argument to change existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Federal Rule of Civil Procedure 11.

I understand that if I file three or more cases while I am a prisoner that are dismissed as frivolous, malicious, or for failure to state a claim, I may be denied in forma pauperis status in future cases.

I also understand that prisoners must exhaust administrative procedures before filing an action in federal court about prison conditions, 42 U.S.C. § 1997e(a), and that my case may be dismissed if I have not exhausted administrative remedies as required.

I agree to provide the Clerk's Office with any changes to my address. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Each Plaintiff must sign and date the complaint. Attach additional pages if necessary. If seeking to proceed without prepayment of fees, each plaintiff must also submit an IFP application.

9/29/20

Dated

Michael J. Lee

Plaintiff's Signature

Michael

J.

Lee

First Name

Middle Initial

Last Name

1 Halleck St 2B-A

Prison Address

Bronx

New York

10474

County, City

State

Zip Code

Date on which I am delivering this complaint to prison authorities for mailing: 9/29/20

(8)

VIT. PLAINTIFF'S CERTIFICATION AND WANTING

Continued:

9/29/20	ON TED	1 Halleck St Bx, NY 10474	Plaintiff's signature
Prisioners full Address			
9/29/20	ON TED	1 Halleck St Bx, NY 10474	Plaintiff's signature
Prisioners full Address			
9/29/20	ON TED	1 Halleck St Bx, NY 10474	Plaintiff's signature
Prisioners full Address			
9/29/20	ON TED	1 Halleck St Bx, NY 10474	Plaintiff's signature
Prisioners full Address			
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Prisioners full Address			
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Prisioners full Address			
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Prisioners full Address			
9/29/20	ON TED	1 Halleck St Bx, NY 10474	Plaintiff's signature
Prisioners full Address			
9/29/20	ON TED	1 Halleck St Bx, NY 10474	Plaintiff's signature
Prisioners full Address			

(9)

VI. PLAINTIFFS CERTIFICATION AND WARNING

Continued:

9/29/20
DATED 1 Halleck St BK N.Y 10474
Prisioners full Address

9/29/20
DATED 1 Halleck St Bronx N.Y. 10474
Prisioners full Address

9/29/20
DATED 1 Halleck St BX N.Y. 10474
Prisioners full Address

9/29/20
DATED 1 Halleck St BX N.Y. 10474
Prisioners full Address

9/29/20
DATED 1 Halleck St BX N.Y. 10474
Prisioners full Address

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Prisioners full Address

9/29/20
DATED 1 Halleck St BX N.Y. 10474
Prisioners full Address

9/29/20
DATED 1 Halleck St BX N.Y. 10474
Prisioners full Address

(10)

VS. PLAINTIFFS CERTIFICATION AND WARNING

Continued:

9/29/20
DATED

Wilma Smith

Plaintiff's Signature

1 Halleck St. Bronx, N.Y. 10474

Prisioners Full Address

9/29/20
DATED

Walter Joseph

Plaintiff's Signature

1 Halleck St. Bronx, N.Y. 10474

Prisioners Full Address

9/29/20
DATED

Shanarr Calloway

Plaintiff's Signature

1 Halleck St. Bronx, N.Y. 10474

Prisioners Full Address

9/29/20
DATED

John Ward

Plaintiff's Signature

1 Halleck St. Bronx, N.Y. 10474

Prisioners Full Address

9/29/20
DATED

Tessanne Bonner

Plaintiff's Signature

1 Halleck St. Bronx, N.Y. 10474

Prisioners Full Address

9/29/20
DATED

Lester Personne 300000333

Plaintiff's Signature

1 Halleck St. Bronx, N.Y. 10474

Prisioners Full Address

9/29/20
DATED

Gill Gravies

Plaintiff's Signature

1 Halleck St. Bronx, N.Y. 10474

Prisioners Full Address

9/29/20
DATED

Justin Smith

Plaintiff's Signature

1 Halleck St. Bronx, N.Y. 10474

Prisioners Full Address

9/29/20
DATED

J. Linceo

Plaintiff's Signature

1 Halleck St. Bronx, N.Y. 10474

Prisioners Full Address

(11)



VI. PLAINTIFFS CERTIFICATION AND WARNING

continued:

9/29/20

DATED

1 Halleck St. Bronx, N.Y. 10474

Prisioners Full Address

9/29/20

DATED

Maeve Velasquez

Plaintiffs Signature

Prisioners Full Address

9/29/20

DATED

1 Halleck St BX, N.Y. 10474

Prisioners Full Address

Darius Bates

Plaintiffs Signature

Prisioners Full Address

9/29/20

DATED

Curtis Clark

Plaintiffs Signature

Prisioners Full Address

9/29/20

DATED

Chastelle Bates

Plaintiffs Signature

Prisioners Full Address

9/29/20

DATED

Chastelle Bates

Plaintiffs Signature

Prisioners Full Address

9/29/20

DATED

Chastelle Bates

Plaintiffs Signature

Prisioners Full Address

9/29/20

DATED

Chastelle Bates

Plaintiffs Signature

Prisioners Full Address

DATE

Plaintiffs Signature

Prisioners Full Address

(12)



VII. PLAINTIFF'S CERTIFICATION AND WARNING

Continued:

9/29/20
DATED

Edward Branch
PLAINTIFF'S Signature

1 Halleck Street Bronx, N.Y. 10474
Prisioners full Address

9/29/20
DATED

Matthew Karelfsky
10617P no 2D M/N
Plaintiffs Signature

1 Halleck Street Bronx, N.Y. 10474
Prisioners full Address

9/29/20
DATED

Donald Persaud
Plaintiffs Signature

1 Halleck Street Bronx, N.Y. 10474
Prisioners full Address

9/29/20
DATED

Mark S. Tice
Plaintiffs Signature

1 Halleck Street Bronx, N.Y. 10474
Prisioners full Address

9/29/20
DATED

Jonathan Wecker
Plaintiffs Signature

1 Halleck Street Bronx, N.Y. 10474
Prisioners full Address

9/29/20
DATED

Eric Gottlieb
Plaintiffs Signature

1 Halleck Street Bronx, N.Y. 10474
Prisioners full Address

9/29/20
DATED

Frank Crowley
Plaintiffs Signature

1 Halleck Street Bronx, N.Y. 10474
Prisioners full Address

9/29/20
DATED

Frank Crowley
Plaintiffs Signature

1 Halleck Street Bronx, N.Y. 10474
Prisioners full Address

9/29/20
DATED

Matthew Karelfsky
Plaintiffs Signature

1 Halleck Street Bronx, N.Y. 10474
Prisioners full Address

(13)

EXHIBIT A

*311 COMPLAINT

Lester Beeson	EC-00194557
NAME & Confirmation #	Confirmation #
Calvin Sallie	EC-00194557
NAME & Confirmation #	Confirmation #
Hopeon	EC-00194545
NAME & Confirmation or Complaint #	Complaint #
Reindgeest	EC-00194545
NAME & Confirmation or Complaint #	Complaint #
Devaline Boone	EC-00194518
NAME & Confirmation or Complaint #	Complaint #
Andre Fonseca	EC-00195552
NAME & Confirmation or Complaint #	Complaint #
Justin mitchell	EC-00194521
NAME & Confirmation or Complaint #	Complaint #
James Clark	EC-00194522
NAME & Confirmation or Complaint #	Complaint #
Emmanuel Rosario	EC-00194531
NAME & Confirmation or Complaint #	Complaint #
Willet Davidson	EC-00194533
NAME & Confirmation or Complaint #	Complaint #
Luis Valles	EC-00194534
NAME & Confirmation or Complaint #	Complaint #
Cyril Sheppard	EC-00194547
NAME & Confirmation or Complaint #	Complaint #
Paul Reed	EC-00194515
NAME & Confirmation or Complaint #	Complaint #
Tim Ward	EC-00194554
NAME & Confirmation or Complaint #	Complaint #
Jonathan Stevens	EC-00194539
NAME & Confirmation or Complaint #	Complaint #
Carlis Clark	EC-00194542
NAME & Confirmation or Complaint #	Complaint #
Carl Henley	EC-00194530
NAME & Confirmation or Complaint #	Complaint #
Keemal Cross	EC-00194572
NAME & Confirmation or Complaint #	Complaint #
Theodore Tucker	EC-0019446
NAME & Confirmation or Complaint #	Complaint #
Walter Ware	EC-00194569
NAME & Confirmation or Complaint #	Complaint #
Willie Smith	EC-00194552
NAME & Confirmation or Complaint #	Complaint #
Raymond Salgado	EC-00194812
NAME & Confirmation or Complaint #	Complaint #
Johnnie Blaunding	EC-001947475
NAME & Confirmation or Complaint #	Complaint #
Manuel Velasquez	EC-00194573
NAME & Confirmation or Complaint #	Complaint #
Devon Parker	EC-00194851
NAME & Confirmation or Complaint #	Complaint #

EXHIBIT A

* 311 COMPLAINT

Continued:

Hakiem Borrow	EC-00194876	NAME & confirmation or complaint #
Deeck Brown	EC-00195076	NAME & confirmation or complaint #
Michael Lee	EC-00195051	NAME & confirmation or complaint #
Darius Batts	Did not or refused give him 1	NAME & confirmation or complaint #
Frank Pagan	Did not or refused give him 1	NAME & confirmation or complaint #
Josiah Pringle	Did not or refused give him 1	NAME & confirmation or complaint #
Shamar Calloway	EC-00194689	NAME & confirmation or complaint #
Christopher DeJesus	EC-00195111	NAME & confirmation or complaint #
Noel Fernandez	EC-00195054	NAME & confirmation or complaint #
Ricardo Gilcabecera	EC-00195326	NAME & confirmation or complaint #
Johnathon Martinez	Did not give him 1	NAME & confirmation or complaint #
Timothy Linaces	Did not give him 1	NAME & confirmation or complaint #
Michael Mcle	EC-00194836	NAME & confirmation or complaint #
Sonny Squire	Did not give him 1	NAME & confirmation or complaint #
Frank Cawley	EC-00195473	NAME & confirmation or complaint #
Matthew Karelfsky	EC-00195434	NAME & confirmation or complaint #
Ramersaud Persaud	Did not give him 1	NAME & confirmation or complaint #
Christopher Johnson	EC-00195349	NAME & confirmation or complaint #
Morris Tate	EC-00195479	NAME & confirmation or complaint #
Eon Struthers	EC-00194455; EC-00185407	NAME & confirmation or complaint #
Jonathon Wener	EC-00195783	NAME & confirmation or complaint #

UNITED STATES DISTRICT
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PLAINTIFF(S) et. al.

U.S.C.A.S 1983
CLASS ACTION
COMPLAINT

- against -

Department of Corrections
Commissioner Cynthia Brancato, et. al.
Defendant(s) et. al.

complaint #

Do you all want a jury
trial Yes No

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Social Security numbers or full birth date. A filing
may include only: the last four digits of a
Social Security number, the year of an individual's
birth, and last four digits of a financial account number.

See FEDERAL RULE OF CIVIL PROCEDURE 5.3

(1)

EXHIBIT B / PLAINTIFFS INJURIES

Under penalty of perjury I affirm the below statements etc. is true

3/21/20

DATE OF INJURY

Hopeton Prendergast #4411905343
Plaintiffs & C #
TO BIOR #102734138, Lab. Site: BioReference
Laboratories, Inc., Physician Ordered: Kim Eun Lee
(KimLee) (see # of References therein)


Plaintiff's Signature

Brief Description, etc.

approx. End March 2020

DATE OF INJURY

Devon Parker #9002000003
Plaintiffs name & B & C #
was denied a COVID-19 Test on Rikers Island
But went directly to Bellevue Hospital in Manhattan
New York where Doctors etc. al. Reported loss of
taste, smell, and had enlarged heart valve was created
from contraction of positive COVID-19 symptoms.
(i.e. Hospital visit in between middle August - Beginning
September 2020)

Brief Description, etc.


Plaintiff's Signature

I. LEGAL BASIS FOR CLAIM

State below the federal legal basis for your claim, if known. This form is designed primarily for prisoners challenging the constitutionality of their conditions of confinement; those claims are often brought under 42 U.S.C. § 1983 (against state, county, or municipal defendants) or in a "Bivens" action (against federal defendants).

Violation of my federal constitutional rights

Other: 8th Amendment Violation, Cruel and Unusual Punishment

II. PLAINTIFF INFORMATION

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Michael J. Lee (See: N. FACTS HEREIN, i.e. Plaintiffs)

First Name Middle Initial Last Name

State any other names (or different forms of your name) you have ever used, including any name you have used in previously filing a lawsuit.

3492001663

Prisoner ID # (if you have previously been in another agency's custody, please specify each agency and the ID number (such as your DIN or NYSD) under which you were held)

Verona C. Barne Center

Current Place of Detention

1 Halleck St 2BA

Institution Address

Bronx New York 10474

County, City State Zip Code

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Defendant 1:

Christopher Brand

First Name	Last Name	Shield #
New York	Department of Corrections Commissioner	
Current Job Title (or other identifying information)		

Current Work Address

County, City	State	Zip Code
Potsdam	NY	

Defendant 2:

Patsy Yanc

First Name	Last Name	Shield #
Heidi	Director Corrections	
Current Job Title (or other identifying information)		

Current Work Address

County, City	State	Zip Code
Madison	WI	

Defendant 3:

Mark Egan

First Name	Last Name	Shield #
Bo	Commissioner Executive Director	
Current Job Title (or other identifying information)		

Current Work Address

County, City	State	Zip Code
Madison	WI	

Defendant 4:

First Name Last Name Shield #

Current Job Title (or other identifying information)

County, City	State	Zip Code

V. STATEMENT OF CLAIM

Place(s) of occurrence: Vernon C Baine Detention Center

— September, 2020, 23rd.

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living Conditions... As a Group or Class bring identical
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Sonny Squire # 4102000039	Shemar Callaway # 441301
Johnathan Martinez # 34920001511	Keemal Cross # 14111023
Curtis Clark # 1412002253	Derrick Broun # 1411180
Christopher DeJesus # 14120062246	Hakiem Barrow #
Dewayne Boone # 4412001752	Devon Perker # 900
Frank Pagan # 3492001663	Theodore Tucker # 3491
Johnathan Stevens # 1412002119	James Jackson # 1411906
Paul Reed # 1412001725	Ricardo Gilcabre # 141
Josiah Pringle # 1412001750	Emmanuel Rosario # 3493
Carlos Bradley # 3102000181	Manuel Velasquez # 349
Hopeton Prendergast # 4411905343	Willett Danielson # 34919
Willie Smith # 295196691	Darius Batts # 349190
Raymond Salgado # 1413001188	James Clark # 141109283
Timothy Ward # 3412001583	Cyril Sheppard # 34930
Andre Fonsseca # 1413002023	Hakiem Barrow # 812300

V. STATEMENT OF FACTS:

Michael #4412000457

Cac

Angie Boyd # 441190712
Henley #4411800815 Luis Molina #3001900157

Broadding #3411907402 Lester Peacock #3002006233
Justin Manal # 4411807062 Bill Graves #3002000211

Noel Escobar #4411904753 Timothy Linarez #5412000200

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Inmates in less than 3-4 inches apart in sleeping areas.
All 50 Inmates Share Toilets, sinks, and showers. Desiring this

during COVID-19 virus epidemic. Impriger and unconstitutional

to Not just a Dangerous Virus but a Deadly Virus as aforementioned Defendants obviously acknowledge To detain Plaintiffs during COVID-19 epidemic is...Cruel and unusual punishment

...Its as Saying as Detainee's etc. al. are not either

human enough to be given the same human treatment or afforded the same life saving opportunities by "SOCIAL DISTANCE" Mandates

by Bill Deblasio; and Governor Andrew Cuomo: The Reckless Disregard for human lives as Detainee's is Present without Relief going

into dark Wave God Save our Souls

continued:

"INJURIES" have Contracted or been exposed to this DEADLY

virus while in care and or custody of the Defendants listed
Herein, which were Isolated and treated for COVID-19 these
Injured INMATES; and or DEFENDANTEE'S Are:

Hopeton Lee defendant #4411905343; Devon Parker #9002008003

(See Exhibit B herein)

VIII RELIEFS:

To have the Plaintiff(s) herein RELIEFS to be able to have
Constitutional proper; safe living Condition's, During the COVID-19
virus epidemic; as 'New' Revised stipulations of approx 12ft
distance between each person by CoC/Center for Disease
Control; Reducing the CURRENT numbers 45-50 people down
to the Number of 15 people or LESS on an inside gathering
That's Defendants; Mayor Bill Deblasio; and N.Y. Governor
Andrew Cuomo State and OUTLINED for D.O.C.C.S
Inmates; Detainees; and parole Violators that the following
"Would be", released; R.O.R.; and Reinstated etc. for parole's.
The First to be released etc. see Sugg. are:

- 1). Parolee's
- 2). Those 50 and or 60 years or older
- 3). Those with underlying Health Condition's that make them
vulnerable to the virus
- 4). Those with non-violent charge(s); EXCEPT those who
have violent charges with underlying health conditions that
make the vulnerable to the virus which District Attorney
office would HAVE to CONSIDER whether its in the best
of Interest of Justice to Release; OMISSION; R.O.R. detainee
or not. More so

The Deliberate Action's by the Defendant(s) to place the
Plaintiff(s) herein in harm's way that could or can cause
DEATH from this DEADLY COVID-19 virus which is (Covid)
and unusual punishment which violates the Plaintiff(s)

(6)

1. STATEMENT OF FACTS: (continued from pg. 5):

Additional Plaintiff A OO ONS: ABB Housing unit

Frank Crowley #2412001232

Matthew Kacel #1411903366

Rosmer said Person # 4411904165

Christopher Johnson # 3492002300

Morris Tate # 3412001025

Eric Struthers # 5102000007

Johnathon Weaver # 1412001833

The ONLY difference between 3SA Plaintiffs and ABB Plaintiffs herein is ONLY the number of people in ABB is between 40-50 max capacity. But the "V STATEMENT OF FACTS" are identical herein.

(SA)

VI. RELIEFS

continued:

Constitutional 8th AMENDMENT Right Therefore EACH Plaintiff Herein Should Receive \$150,000.00 dollars apiece from the Defendants; NEXF, The Plaintiff(s) who got Infected with this DEADLY CONTAGIOUS VIRUS (see VI. INJURIES herein) from Defendants NEGLIGENCE is also an additional 8th Amendment violation of Case~~1~~ and unusual punishment and a Direct result of Defendants Deliberate NEGLIGENCE there these particular Plaintiff(s) should receive an additional sum of \$150,000.00 dollars from Defendants.

VII. PLAINTIFF'S CERTIFICATION AND WARNINGS

By signing below, I certify to the best of my knowledge, information, and belief that: (1) the complaint is not being presented for an improper purpose (such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation); (2) the claims are supported by existing law or by a nonfrivolous argument to change existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Federal Rule of Civil Procedure 11.

I understand that if I file three or more cases while I am a prisoner that are dismissed as frivolous, malicious, or for failure to state a claim, I may be denied *in forma pauperis* status in future cases.

I also understand that prisoners must exhaust administrative procedures before filing an action in federal court about prison conditions, 42 U.S.C. § 1997e(a), and that my case may be dismissed if I have not exhausted administrative remedies as required.

I agree to provide the Clerk's Office with any changes to my address. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Each Plaintiff must sign and date the complaint. Attach additional pages if necessary. If seeking to proceed without prepayment of fees, each plaintiff must also submit an IFP application.

<u>9/29/20</u>		
Dated		
<u>Michael</u>	<u>J.</u>	<u>Lee</u>
First Name	Middle Initial	Last Name
<u>Halleck</u>	<u>St</u>	<u>28A</u>
Prison Address	<u>Brook</u>	<u>New York</u>
County, City	<u>0474</u>	State
	Zip Code	

Date on which I am delivering this complaint to prison authorities for mailing: 9/29/20

(8)

VIT. PLAINTIFF'S CERTIFICATION AND WARNING

Continued:

Carol Shaeffer

PLAINTIFF'S signature

1 Halleck St, Bronx, NY 10474

Prisioners full Address

9/29/20

DATED

Carol Shaeffer

plaintiffs signature

1 Halleck St, Bronx, NY 10474

Prisioners full Address

Caron Parker

plaintiffs signature

1 Halleck St, Bronx, NY 10474

Prisioners full Address

Carol Parker

plaintiffs signature

1 Halleck St, Bronx, NY 10474

Prisioners full Address

Carol Parker

plaintiffs signature

1 Halleck St, Bronx, NY 10474

Prisioners full Address

Carol Parker

plaintiffs signature

1 Halleck St, Bronx, NY 10474

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plaintiffs signature

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plaintiffs signature

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plaintiffs signature

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Prisioners full Address

Carol Parker

plaintiffs signature

1 Halleck St, Bronx, NY 10474

Prisioners full Address

Carol Parker

plaintiffs signature

1 Halleck St, Bronx, NY 10474

Prisioners full Address

Carol Parker

plaintiffs signature

(q)

VI. PLAINTIFFS CERTIFICATION AND WARNING

continued:

Plaintiff's signature
PLAINTIFFS SIGNATURE
DATED 1 Halleck St BX N.Y. 10474
Prisioners full Address

9/29/20
DATED

James Clark

Plaintiff's signature

1 Halleck St Bronx N.Y. 10474
Prisioners full Address

9/29/20
DATED

Victor Jimenez

Plaintiff's signature

1 Halleck St BX N.Y. 10474
Prisioners full Address

9/29/20
DATED

Carl Landry

Plaintiff's signature

1 Halleck St BX N.Y. 10474
Prisioners full Address

9/29/20
DATED

James Clark

Plaintiff's signature

1 Halleck St BX N.Y. 10474
Prisioners full Address

9/29/20
DATED

Andre Fonseca

Plaintiff's signature

1 Halleck St BX N.Y. 10474
Prisioners full Address

9/29/20
DATED

Anthony Montes

Plaintiff's signature

1 Halleck St BX N.Y. 10474
Prisioners full Address

9/29/20
DATED

Victor Jimenez

Plaintiff's signature

1 Halleck St BX N.Y. 10474
Prisioners full Address

9/29/20
DATED

James Clark

Plaintiff's signature

1 Halleck St BX N.Y. 10474
Prisioners full Address

■ (10)

VII. PLAINTIFFS CERTIFICATION AND WARNING

Continued:

9/29/20
DATED

William Smith
Plaintiff's Signature

1 Halleck St. Bronx, N.Y. 10474
Prisioners Full Address

9/29/20
DATED

Walter Ward
Plaintiff's Signature

1 Halleck St. Bronx, N.Y. 10474
Prisioners Full Address

9/29/20
DATED

Shannar Cattelloray
Plaintiff's Signature
1 Halleck St Bronx, N.Y. 10474
Prisioners Full Address

9/29/20
DATED

John Ward
Plaintiff's Signature

1 Halleck St Bronx, N.Y. 10474
Prisioners Full Address

9/29/20
DATED

Douglas Boone
Plaintiff's Signature

1 Halleck St Bronx, N.Y. 10474
Prisioners Full Address

9/29/20
DATED

Lester Pearson 30000000033
Plaintiff's Signature

1 Halleck St Bronx, N.Y. 10474
Prisioners Full Address

9/29/20
DATED

Gill Gravies
Plaintiff's Signature

1 Halleck St Bronx, N.Y. 10474
Prisioners Full Address

9/29/20
DATED

Justin Ward
Plaintiff's Signature

1 Halleck St Bronx, N.Y. 10474
Prisioners Full Address

9/29/20
DATED

J. Lenz
Plaintiff's Signature

1 Halleck St. Bronx, N.Y. 10474
Prisioners Full Address

(11)

VITI - PLAINTIFFS CERTIFICATION AND WARNING

continued:

9/29/20

DATED

1 Halleck St. Bronx, N.Y. 10474

Prisioners Full Address

9/29/20

DATED

Mauro Velasquez
Plaintiffs Signature

Prisioners Full Address

9/29/20

DATED

Darius Dantes
Plaintiffs Signature

Prisioners Full Address

9/29/20

DATED

Curtis Clark
Plaintiffs Signature

Prisioners Full Address

9/29/20

DATED

Christopher Dantes
Plaintiffs Signature

Prisioners Full Address

9/29/20

DATED

Christopher Dantes
Plaintiffs Signature

Prisioners Full Address

9/29/20

DATED

Michael Wright
Plaintiffs Signature

Prisioners Full Address

9/29/20

DATED

Andrea' Boyd
Plaintiffs Signature

Prisioners Full Address

DATED

Plaintiffs Signature
Prisioners Full Address

(1a)

EXHIBIT A

#311 COMPLAINT

Continued:

Hakiem Barrow	EC-00194876	NAME & confirmation or complaint #
Decyck Brown	EC-00195076	NAME & confirmation or complaint #
Michael Lee	EC-00195057	NAME & confirmation or complaint #
Darius Baths	Did not give 1	NAME & confirmation or complaint #
Frank Pagan	Did not give 1	NAME & confirmation or complaint #
Josiah Prince	Did not give 1	NAME & confirmation or complaint #
Shamar Calloway	EC-00194689	NAME & confirmation or complaint #
Christopher Dejesus	EC-0019511	NAME & confirmation or complaint #
Noel Fernandez	EC-00195054	NAME & confirmation or complaint #
Ricardo Gilcabrera	EC-00195326	NAME & confirmation or complaint #
Michael Mcle	EC-00194836	NAME & confirmation or complaint #
Johnathon Martinez	Did not give him one	NAME & confirmation or complaint #
Timothy Linares		NAME & confirmation or complaint #
Frank Crawley	EC-00195473	NAME & confirmation or complaint #
Matthew Karellesky	EC-00195434	NAME & confirmation or complaint #
Ram Persaud	Did not give him one	NAME & confirmation or complaint #
Christopher Johnson	EC-00195349	NAME & confirmation or complaint #
Morris Tate	EC-00195479	NAME & confirmation or complaint #
Eon Struthers	EC-00194455; EC-00185407	NAME & confirmation or complaint #
Jonathan Weaver	EC-00195783	NAME & confirmation or complaint #

EXHIBIT A

*311 COMPLAINT

Lester Deerson EC00194557

NAME & confirmation or complaint #

Carl Coss EC00194558

NAME & confirmation or complaint #

Horizon Reendorf EC-0019-4545

NAME & confirmation or complaint #

Desailleine Rose EC001-94518

NAME & confirmation or complaint #

Andre Fonseca EC-00195552

NAME & confirmation or complaint #

Justin inciol EC-00232121

NAME & confirmation or complaint #

James Clark EC00194512

NAME & confirmation or complaint #

Emmanuel EC00194531

NAME & confirmation or complaint #

Willie Davidson EC-00-191543

NAME & confirmation or complaint #

Luis EC00194534

NAME & confirmation or complaint #

Cyril Sheppard EC-00194547

NAME & confirmation or complaint #

Paul Reed

NAME & confirmation or complaint #

Tim Ward EC-00194554

NAME & confirmation or complaint #

Jonathan Stevens EC-00194539

NAME & confirmation or complaint #

Carl Henley EC-00194542

NAME & confirmation or complaint #

Carl Henley EC-00194530

NAME & confirmation or complaint #

Keemal Cross EC-00194572

NAME & confirmation or complaint #

Theodore Tucker EC001946

NAME & confirmation or complaint #

Walter Ware EC-00194569

NAME & confirmation or complaint #

Willie Smith EC-00194552

NAME & confirmation or complaint #

Raymond Salgado EC00194812

NAME & confirmation or complaint #

Johnny Blanding EC00197475

NAME & confirmation or complaint #

Manuel Vargas EC00194573

NAME & confirmation or complaint #

Devon Parker EC-00194851

NAME & confirmation or complaint #

EXHIBIT B / PLAINTIFF(S) INJURIES

*Under Penalty of Perjury I affirm the below Information is True *

3/21/20

DATE OF INJURY

Hopeton Prendergast #441905343

PLAINTIFFS NAME & B&C #

TO BIOR #102134(88); Lab Site: BioReference Laboratories, Inc; Physician ordered: Kim Eun Lee (see # of References therein)

Brief Description, etc.

Plaintiffs Signature

approx. End March 2020

DATE OF INJURY

Devon Parker #9002000003

Plaintiffs Name & B&C #

was denied a COVID-19 Test on Rikers Island. But went directly to Bellevue Hospital in Manhattan New York where Doctors etc. al. Reported loss of taste, smell, and had enlarged heart valves was created from contraction of Positive COVID-19 Symptoms (i.e. Hospital visit in between middle August 2020 - Beginning September, 2020).

Brief Description, etc.

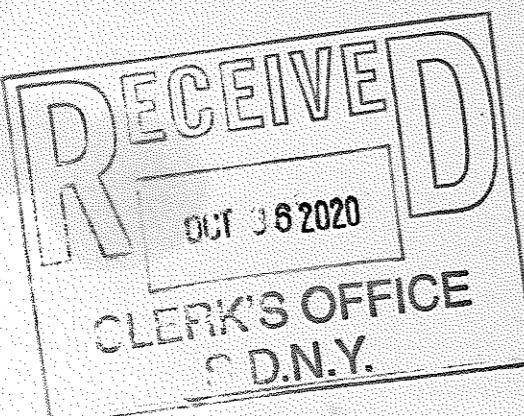
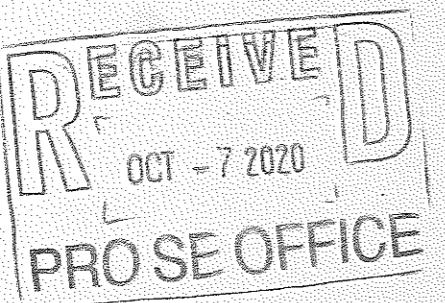
Devon Parker
Plaintiffs Signature

Michael Lee #3492001663
V.C.B.C
1 Halleck Street
Bronx, N.Y.
10474



PRO SE INTAKE GP

USCM SDNY



CLERK OF COURT
UNITED STATES
DISTRICT COURT
OF SOUTHERN DISTRICT
OF NEW YORK STATE
U.S. Court House
500 Pearl Street
New York, New York 10007

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OCT 7 2020
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SDNY

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